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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR     | ATTORNEY DOCKET NO.       | CONFIRMATION NO. |
|---|-------------|--------------------------|---------------------------|------------------|
| 10/767,863  | 01/30/2004  | Patrick R. Lancaster III | 2906.0359-00              | 2966             |
| 22852   | 7590        | 08/23/2005               |                           |                  |
| FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER<br>LLP<br>901 NEW YORK AVENUE, NW<br>WASHINGTON, DC 20001-4413 |             |                          | EXAMINER<br>TAWFIK, SAMEH |                  |
|   |             |                          | ART UNIT<br>3721          | PAPER NUMBER     |

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/767,863

Applicant(s)

LANCASTER ET AL.

Examiner

Sameh H. Tawfik

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 July 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-118 is/are pending in the application.  
4a) Of the above claim(s) 1-48 and 58-118 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 49-57 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

This application contains claims 1-48 and 58-118 drawn to an invention nonelected with traverse in Paper No. 03012005. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 49-51, 54, and 55 are rejected under 35 U.S.C. 102(b) as being anticipated by Geisinger (4,432,185).

Geisinger discloses a method for wrapping a load comprising dispensing a film web (50) from a film dispenser (Fig. 2); rolling a portion of the film web (50) into a cable (Figs. 4, 6, and 7; via rope 46); and providing relative rotation between the load and the dispenser to wrap the film around the load (Fig. 6; via rotating pallet 52 in respect to the web 50).

Regarding claim 50: wherein wrapping the film web around the load includes securing the load to a pallet supporting the load with the film web and cable (Fig. 6; via pallet 52 and web 50).

Regarding claim 51: further comprising driving a portion of the film web (50) to an elevation below a top of a pallet (52) supporting the load (Figs. 5 and 6).

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Regarding claim 54: wherein rolling a portion of the film web (50) includes engaging an edge portion of the film web with a cable rolling roper (46).

Regarding claim 55: wherein engaging the edge portion of the film web includes engaging the edge portion with a circumferential groove (Figs. 5 and 6; via groove in loop 45) in a roller (arm 44 which forming groove 45 extended from a roller shape) forming a cable rolling roper (46).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 52, 53, 56, and 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Geisinger (4,432,185) in view of Buscherini et al. (6,453,643).

Geisinger does not disclose that engaging portion of the film web with a guide roller. However, Buscherini discloses similar method for wrapping a load comprising the step of engaging portion of film web (Figs. 6 and 7; film S2) with a guide roller (Figs. 6 and 7; via rollers R) to guide the web.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Geisinger's method for wrapping a load by having a guide rollers, as suggested by Buscherini, in order to guide and direct the web to the proper wrapping location.

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The examiner takes an official notice that using coated cellular plastic rollers to guide web, is old, well known, and available in the art. Therefore, it would have been obvious to modify Geisinger's method of wrapping a load by using guide rollers coated with cellular plastic as a matter of engineering design choice, in order to make the contact service between the guide rollers and the web soft and resilient, therefore, avoiding cuts and cracks on the web.

### ***Response to Arguments***

Applicant's arguments filed 07/13/2005 have been fully considered but they are not persuasive.

Applicants argue in pages 29 and 30 of the arguments that Geisinger's patent fails to disclose or suggest rolling a portion of a film web into a cable, rather Geisinger discloses folded web is a conventional rope, created by gathering a film web. The examiner believes that Geisinger clearly discloses the claimed "rolling a portion of the film web into a cable;", which is clearly shown in Fig. 4; via web 50 is rolled out from its roller toward the pallet to form a cable around the package as shown in Figs. 5 and 6. Alternatively, web 50 is rolled around the package as shown in Figs. 5-7 and 14; via rolled member 43, 44, 47, and loop 45.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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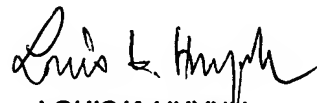
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST.

  
LOUIS K. HUYNH  
PRIMARY EXAMINER